

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of C.M.L., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRIAN LEADINGHAM,

Respondent-Appellant,

and

ANNA LEADINGHAM,

Respondent.

UNPUBLISHED

April 15, 2003

No. 245671

Van Buren Circuit Court

Family Division

LC No. 01-013249

Before: Jansen, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g), (j), (k)(ii) and (n)(i). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that at least one statutory ground for termination had been proved by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751 (1999). Respondent admittedly abused the child, the abuse included criminal sexual conduct involving penetration, and respondent was convicted of third-degree criminal sexual conduct, MCL 750.520d(1)(b), and sentenced to serve two to fifteen years in prison. Further, the trial court did not clearly err in its determination that the evidence, on the whole record, did not clearly show that termination was clearly not in the child's best interests. *In re Trejo Minors*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000); MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating respondent's parental rights to the child. *Trejo, supra*, 462 Mich 356-357.

Affirmed.

/s/ Kathleen Jansen

/s/ Kirsten Frank Kelly

/s/ Karen M. Fort Hood